

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

OLLIE GREENE, *et al.*,

Plaintiffs,

v.

TOYOTA MOTOR CORPORATION, *et al.*,

Defendants.

§
§
§
§
§
§
§
§
§

CAUSE NUMBER: 3:11-cv-0207-N

**DEFENDANT TOYOTA MOTOR ENGINEERING & MANUFACTURING NORTH
AMERICA, INC.'S MOTION FOR SUMMARY JUDGMENT**

TO THE HONORABLE COURT:

COMES NOW Defendant Toyota Motor Engineering & Manufacturing North America, Inc. ("TEMA") in the above-styled and numbered action, files this Motion for Summary Judgment on Plaintiffs' claims and for such would respectfully show the Court as follows:

TEMA is entitled to summary judgment on all Plaintiffs' claims, including: (1) design defect claims; (2) marketing defect claims; (3) manufacturing defect claims; (4) negligence claims; (5) breach of express warranty claims; (6) breach of implied warranty claims; and (7) misrepresentation claims. Summary judgment is appropriate for the reasons set forth in TEMA's Brief filed in support of this Motion.

Accordingly, Defendant Toyota Motor Engineering & Manufacturing North America, Inc. prays this Motion for Summary Judgment be set for oral hearing; that upon hearing, the Court grant this Motion for Summary Judgment in its entirety and render judgment that Plaintiffs take nothing by the claims listed above; and for such other relief, both at law and in equity, to which this Defendant may show itself to be justly entitled.

Respectfully submitted,

/s/ David P. Stone

KURT C. KERN

State Bar No. 11334600

kurt.kern@bowmanandbrooke.com

DAVID P. STONE

State Bar No. 19289060

david.stone@bowmanandbrooke.com

JUDE T. HICKLAND

State Bar No. 24065416

jude.hickland@bowmanandbrooke.com

BOWMAN AND BROOKE LLP

2501 N. Harwood Street, Suite 1700

Dallas, Texas 75201

(972) 616-1700

(972) 616-1701 (fax)

**ATTORNEYS FOR DEFENDANT
TOYOTA MOTOR ENGINEERING &
MANUFACTURING NORTH AMERICA,
INC.**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been forwarded to all known counsel of record in this cause in accordance with the Federal Rules of Civil Procedure on this 10th day of December, 2013.

/s/ David P. Stone